

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**ZO SKIN HEALTH, INC., a California
corporation;**

Plaintiff,

vs.

**LEI'S COSMETIC, INC., a California
corporation,**

Defendant.

8:22CV163

ORDER TO SHOW CAUSE

This matter comes before the court after a review of the docket and pursuant to NECivR. [41.2](#), which states in relevant part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiff commenced this action on April 28, 2022. ([Filing No. 1](#)). On June 3, 2022, Plaintiff filed a summons return purporting to show the defendant was served on May 27, 2022. ([Filing No. 7](#)). On July 22, 2022, Plaintiff filed a motion for clerk’s entry of default ([Filing No. 8](#)) and the Clerk of Court entered default against the defendant on July 25, 2022 ([Filing No. 11](#)). Plaintiff has taken no further action in this case. Plaintiff has a duty to prosecute the case and may, for example, seek default in accordance with the applicable rules, see NECivR. [55.1](#); Fed. R. Civ. P. 55, voluntarily dismiss this case, or take other action as appropriate. Under the circumstances, Plaintiff must make a showing of good cause for failure to prosecute or this action will be dismissed. Accordingly,

IT IS ORDERED: On or before **October 27, 2022**, Plaintiff must show cause why this case should not be dismissed for failure to prosecute or take some other appropriate action.

Dated this 13th day of October, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge